

**T&D KOHLEPPEL FARMS, INC.,  
and TED KOHLEPPEL,**

**v.**

**Defendants.**

**SA-10-CV-0368 FB (NN)**

Plaintiffs filed this motion, serving defendants through counsel, but not Kindred. The motion does not include a certificate reflecting that plaintiffs conferred with either defendants or

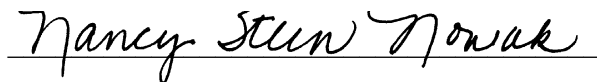
<sup>2</sup>Docket entry 43, exhibit 15.

Kindred prior to filing the motion.

Plaintiffs ask the court to direct Kindred to show cause why he failed to attend his deposition and if he fails, to hold him in contempt, without having served Kindred with the motion and providing him an opportunity to respond to the request for relief. The court declines to consider a motion which has not been served on Kindred and which fails to demonstrate compliance with the requirement to confer “in a good-faith attempt to resolve the matter by agreement”<sup>3</sup> prior to presenting a non-dispositive dispute to the court for resolution.

Accordingly, the motion for show cause and to compel is DENIED.

**SIGNED** on July 1, 2011.

A handwritten signature in black ink, reading "Nancy Stein Nowak", written over a horizontal line.

NANCY STEIN NOWAK  
UNITED STATES MAGISTRATE JUDGE

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<sup>3</sup>Local Rule CV 7-(h).